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REMARKS

Claims 1-43 are currently pending in the subject application and are presently under consideration. Claim 11 has been amended to correct a minor informality as indicated at pp. 7-12 of the Reply. In addition, the specification has been amended as indicated at pp. 2-6.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-3, 8-12, 19-28, 32-34, 37, and 41-43 Under 35 U.S.C. §103(a)

Claims 1-3, 8-12, 19-28, 32-34, 37, and 41-43 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Forscher ("CyberNag (Mailmen Division) Project Notebook," http://www.cc.gatech.edu/computing/classes/cs3302_96_winter/projects/groups/MailMen, 1996) in view of Cohen ("Learning Rules that Classify E-Mail," <http://www-2.cs.cmu.edu/~wcohen/pubs-t.html>, 1996) and Lewis ("Evaluating and Optimizing Autonomous Text Classification Systems," ACM, 1995). It is requested that this rejection should be withdrawn for at least the following reasons. Forscher, Cohen, and Lewis, alone or in combination, do not teach or suggest all the limitations of the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) *must teach or suggest all the claim limitations*. See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

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Applicants' claimed invention relates to prioritized document display, notification, and interaction. (See pg. 2, line 19). In particular, independent claim 1 (and similar independent claims 19 and 26) recites *determining whether a user is busy*. Forscher, Cohen, and Lewis, alone or in combination, do not teach or suggest such novel aspect of the invention as claimed.

Forscher describes an e-mail parsing module and Cohen describes e-mail classification rules. The Examiner concedes that Forscher and Cohen do not disclose *determining whether a user is busy*. (See pg. 4). In order to cure this deficiency, the Examiner offers Lewis.

Lewis discloses measuring, estimating, and optimizing the effectiveness of decisions for text retrieval systems, focusing on one that determines whether or not a document belongs to a single class. (See pg. 246, col. 2). The Examiner contends that Lewis discloses determining whether a user is busy at pg. 246, col. 2. The Examiner further explains that Lewis's expected loss of non-review takes into account whether or not the user is busy. In addition, by recognizing the decision of which items are important enough to be "grounds for disturbing the user," Lewis is considering whether the user is busy because there would be no need to determine the loss of non-review if the user has already viewed the document. (See pg. 4). Applicants' representative respectfully disagrees with such contention.

At the indicated passage, Lewis describes a system and method that decides which items are relevant enough to warrant disturbing the user. (See pg. 246, col. 2). Lewis computes a score that indicates how good past and test decisions were, estimates the effectiveness of future decisions, and tunes the system based on expected effectiveness. However, Lewis's effectiveness analysis is based on the results of past and test decisions (See pg. 247, col. 1-2) to determine whether the information constitutes "highly relevant material." (See pg. 246, col. 2). Lewis considers the content of the material and empirical decisions to decide if the user should be disturbed. Disturbing the user only with important information is not equivalent to and does not include determining whether a user is busy. Lewis's assumption in this case is that users only want to be notified of information that is important. (See pg. 246, col. 2). Therefore, Lewis is concerned with making a decision based on the information itself and similar

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past or test decisions. In the process of making a decision, Lewis does not determine whether a user is busy.

By contrast, applicants' invention describes determining whether a user is busy in ways such as the rate at which a user is working on a computer, whether the user is on the telephone, speaking with someone, or at a meeting (*See* pg. 22, ll. 1-5), and noting whether the user checked a box indicating he or she is busy. (*See* pg. 30, ll. 6-10). Lewis does not take into account any of these types of factors and therefore does not determine whether a user is busy. Thus, Lewis fails to teach or suggest such novel aspect as claimed.

In view of at least the foregoing, it is readily apparent that Forscher, Cohen, and Lewis, alone or in combination, do not teach or suggest the invention as recited in independent claims 1, 19, and 26 (and associated dependent claims 2-3, 8-12, 20-25, 27-28, 32-34, 37, and 41-43). Accordingly, this rejection should be withdrawn.

II. Rejection of Claims 4-7, 29, and 38-40 Under 35 U.S.C. §103(a)

Claims 4-7, 29, and 38-40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Forscher ("CyberNag (Mailmen Division) Project Notebook," http://www.cc.gatech.edu/computing/classes/cs3302_96_winter/projects/groups/MailMen, 1996) in view of Cohen ("Learning Rules that Classify E-Mail," <http://www-2.cs.cmu.edu/~wcohen/pubs-t.html>, 1996) and Lewis ("Evaluating and Optimizing Autonomous Text Classification Systems," ACM, 1995), as applied in claims 1, 19, and 26 above, and further in view of Henderson *et al.* (US 6,185,603 B1). Withdrawal of this rejection is requested for at least the following reasons. Claims 4-7 are dependent on independent claim 1 and claims 29 and 38-40 are dependent on independent claim 26. Henderson *et al.* teaches providing a plurality of codes for controlling certain features of an alerting message and a predefined escape sequence for use by the sender that is recognizable by a dedicated server and that enables these codes. (*See* col. 2, ll. 15-18). However, Henderson *et al.* fails to teach or suggest determining whether a user is busy and therefore does not cure the aforementioned deficiencies of Forscher, Cohen, and Lewis with respect to independent claims 1 and 26. Thus, the withdrawal of this rejection is requested.

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III. Rejection of Claims 30-31 Under 35 U.S.C. §103(a)

Claims 30-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Forscher ("CyberNag (Mailmen Division) Project Notebook," http://www.cc.gatech.edu/computing/classes/cs3302_96_winter/projects/groups/MailMen, 1996) in view of Cohen ("Learning Rules that Classify E-Mail," <http://www-2.cs.cmu.edu/~wcohen/pubs-t.html>, 1996) and Lewis ("Evaluating and Optimizing Autonomous Text Classification Systems," ACM, 1995), as applied in claim 26 above, and further in view of Doi (US 5,077,668). Withdrawal of this rejection is requested for at least the following reasons. Claims 30-31 depend from independent claim 26. Doi teaches producing an abstract of a document from given document data. (See col. 1, ll. 9-10). However, Doi fails to teach or suggest determining whether a user is busy and thus fails to cure the above noted deficiencies of Forscher, Cohen, and Lewis with respect to independent claim 26. Therefore, this rejection should be withdrawn.

IV. Rejection of Claims 13-14, 16, and 35-36 Under 35 U.S.C. §103(a)

Claims 13-14, 16, and 35-36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Forscher ("CyberNag (Mailmen Division) Project Notebook," http://www.cc.gatech.edu/computing/classes/cs3302_96_winter/projects/groups/MailMen, 1996) in view of Cohen ("Learning Rules that Classify E-Mail," <http://www-2.cs.cmu.edu/~wcohen/pubs-t.html>, 1996), Lewis ("Evaluating and Optimizing Autonomous Text Classification Systems," ACM, 1995), and Platt (US 6,327,581 B1). Withdrawal of this rejection is requested for at least the following reasons. Independent claim 13 recites *determining whether a user is busy*. Forscher, Cohen, Lewis, and Platt, alone or in combination, do not teach or suggest such novel aspect of the invention as claimed.

Forscher describes an e-mail parsing module, Cohen describes e-mail classification rules, and Platt describes using support vector machines to classify objects. The Examiner concedes that Forscher, Cohen, and Platt do not disclose *determining whether a user is busy*. (See pg. 14). In order to cure this deficiency, the Examiner

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offers Lewis. As discussed above, Lewis does not determine whether a user is busy. Thus, Lewis fails to teach or suggest such claimed aspect.

In view of at least the foregoing, it is readily apparent that Forscher, Cohen, Lewis, and Platt, alone or in combination, do not teach or suggest the invention as recited in independent claim 13 (and associated dependent claims 14 and 16). Claims 35-36 are dependent on independent claim 26 and as explained above, Forscher, Cohen, Platt, and Lewis, alone or in combination, do not teach or suggest the novel aspect of determining whether a user is busy. Accordingly, the withdrawal of this rejection is requested.

V. Rejection of Claims 15, 17, and 18 Under 35 U.S.C. §103(a)

Claims 15, 17, and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Forscher ("CyberNag (Mailmen Division) Project Notebook," http://www.cc.gatech.edu/computing/classes/cs3302_96_winter/projects/groups/MailMen, 1996) in view of Cohen ("Learning Rules that Classify E-Mail," <http://www-2.cs.cmu.edu/~wcohen/pubs-t.html>, 1996), Lewis ("Evaluating and Optimizing Autonomous Text Classification Systems," ACM, 1995), and Platt (US 6,327,581). Withdrawal of this rejection is requested for at least the following reasons. As noted above, Forscher, Cohen, Lewis, and Platt, alone or in combination, do not teach or suggest the invention as recited in independent claim 13 on which claims 15, 17, and 18 depend. Accordingly, this rejection should be withdrawn.

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CONCLUSION

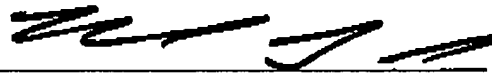
The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP272US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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